THE HONOURABLE SRI JUSTICE N.V.RAMANA

W. P.No.16992 of 2006

Dated:26-10-2006

Between:

K. Devarayalu.

.....PETITIONER

AND

The Chairman and Managing Director, Andhra Pradesh Southern Power Distribution Corporation Ltd., Tirupati, Chittor District and others.

....RESPONDENTS

THE HONOURABLE SRI JUSTICE N.V.RAMANA

W. P.No.16992 of 2006

ORDER:

Aggrieved by the action of 3rd respondent in issuing the proceedings dated 18.03.2006 and the consequential proceedings dated 17.07.2006 issued by the 2nd respondent, rejecting the appeal filed by the petitioner, the present writ petition is filed.

2. The petitioner is employed in the respondent-Corporation as Additional Assistant Engineer. While so, he was issued with a memo dated 03.12.2005 calling upon to explain as to why the cost of two missing drums of conductor i.e., Rs.2,90,925.33 ps shall not be recovered from his personnel account, for his gross negligence of instructions of higher authorities. The petitioner submitted an explanation dated 09.12.2005. Having not satisfied with the explanation offered by the petitioner, the 3rd respondent issued proceedings dated 13.12.2005 imposing punishment of stoppage of three increments without cumulative effect including recovery of the cost of missing two drums of conductor. Aggrieved by the same, he filed an appeal before the 2nd respondent. The appeal was also rejected, vide proceedings dated 17.7.2006, confirming the punishment. Hence, the present writ petition is filed.

3. It is the contention of the learned counsel for the petitioner

that even though the petitioner raised several grounds in the appeal, the 2nd respondent, without considering the same in a mechanical manner and without recording any reasons, has rejected the appeal.

4. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent-Corporation.

5. The 2nd respondent rejected the appeal by its precise order dated 17.7.2006 holding that the incumbent has not put-forth any fresh points worth consideration in the appeal. The relevant portion reads as under:

> "After careful consideration of the appeal preferred against the final orders by Sri K. Devarayulu, AAE/O/Galiveedu the Chief General Manager/HRD/APSPDCL/Tirupati has observed that the incumbent has not put-forth any fresh points worth consideration in the appeal."

The above order does not indicate consideration of the grounds raised by the petitioner nor any reasons were recorded for rejection of the appeal. Hence, this Court is of the view that the matter requires reconsideration by the 2nd respondent.

6. For the foregoing reason, the order dated 17-7-2006 is hereby set aside. The 2nd respondent is directed to reconsider the matter and pass appropriate orders in accordance with law, taking into consideration of the objections/grounds raised by the petitioner, expeditiously, within a period of six weeks from the date of receipt of a copy of this order. Till then, there shall be stay of recovery.

Accordingly, the writ petition is allowed. No costs.

(N.V. RAMANA, J.)

Date:26-10-2006.

sj/nsr